

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK  
(Poughkeepsie Division)

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In re:

Theresa L. Somers and  
Rosemary Caggiano,

Case No. 10-38296(CGM)  
Chapter 7

Debtors.

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**NOTICE OF APPEAL**

Pursuant to 28 U.S.C. § 158(a), the United States Trustee for Region 2 appeals from the Order of the Honorable Cecelia G. Morris, United States Bankruptcy Judge, dated and entered on May 4, 2011 in this proceeding, denying the Motion of the United States Trustee to Dismiss the Case.

The names of all parties to the Order appealed from and the names and addresses of their respective attorneys are as follows:

**Kirk O. Orseck, Esq.**

Attorney for Theresa L. Somers and Rosemary Caggiano  
1924 State Rt. 52  
Liberty, New York 12754  
(845) 292-5800

**Paul L. Banner, Esq.**

Chapter 7 Trustee  
515 Haight Avenue  
2nd Floor, Suite A  
Poughkeepsie, New York 12603  
(845) 463-1200

Dated: Albany, New York  
May 18, 2011

Respectfully submitted,

TRACY HOPE DAVIS  
UNITED STATES TRUSTEE

By: /s/ Lisa M. Penpraze  
Lisa M. Penpraze  
Assistant United States Trustee  
74 Chapel Street  
Albany, New York 12207  
(518) 434-4553

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**Certificate of Service**

The undersigned hereby certifies that she is an employee of the United States Trustee for Region 2 and is a person of such age and discretion as to be competent to serve papers.

That on May 18, 2011, she served a copy of the

**UNITED STATES TRUSTEE'S NOTICE OF APPEAL**

by placing said copy in a post-paid envelope addressed to the person(s) named, at the place(s) and address(es) listed below and by depositing the envelope and contents in an official depository of the United States Postal Service or by electronic service through the Court's CM/ECF system:

Debtors' Attorney: Kirk O. Orseck, Esq., 1924 State Rt. 52, Liberty, New York 12754

Chapter 7 debtors: Theresa L. Somers, 211 Cole Rd., Hurleyville, NY 12747

Rosemary Caggiano, 211 Cole Rd., Hurleyville, NY 12747

Chapter 7 trustee: Paul L. Banner, 515 Haight Ave. 2nd fl. Suite A, Poughkeepsie, NY 12603

Dated: Albany, New York  
May 18, 2011

/s/ Lisa M. Penpraze